

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEONARD JOHN SUNDSMO,

Plaintiff,

v.

ORDER

DEREK BURCH, MIKE PICHLER,
MARK R. SCHAUF and RYAN LABROSCIAN,

15-cv-2-jdp

Defendants.

Plaintiff Leonard John Sundsmo brought claims against law enforcement officials from the city of Baraboo, Sauk County, and state of Wisconsin for an allegedly illegal search and arrest on November 4, 2014. I have dismissed all of Sundsmo's claims except one: his excessive force claim against Deputy Derek Burch. In a January 31, 2017 order, I dismissed the excessive force claims against the Baraboo Police Department defendants because no reasonable jury would think that the officers at the scene violated the Fourth Amendment. Dkt. 169, at 9-10. But I could not dismiss the parallel claim against Burch until I resolved Burch's motion to dismiss the case for Sundsmo's failure to properly serve him. I gave Burch a chance to explain whether he wished to continue to litigate the motion to dismiss. *Id.* at 11.

Now Burch has responded by withdrawing his motion to dismiss for lack of proper service. That leaves Burch's motion for summary judgment, which I will grant for the same reasons as I granted the Baraboo Police Department defendants' motion for summary judgment: none of the officers acted unreasonably under the Fourth Amendment.

ORDER

IT IS ORDERED that:

1. Defendant Derek Burch's motion for summary judgment, Dkt. 140, is GRANTED.
2. This case is DISMISSED. The clerk of court is directed to enter judgment for defendants and close the case.

Entered February 2, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge